

AGREEMENT

Made this 7th day of March, 2000, between Restaurant Enterprises, Incorporated, t/a

#11297
BRA/ABC 38
2001 MAR -8 AM 9:57

Divers Down ("the Applicant") and Advisory Neighborhood Commission 2E ("the ANC").

WITNESSETH

Whereas, before the District of Columbia Alcoholic Beverage Control (ABC) Board is the Applicant's application for a Class "CR" license for the premises at 1338 Wisconsin Avenue, NW, ABC Application #11297; and,

Whereas, such premises are within the jurisdictional boundaries of the ANC; and,

Whereas, the parties desire to enter into an agreement commemorating certain understandings regarding the Applicant's operating plans;

Now, therefore, in consideration of the premises above recited, and the covenants and promises set forth below, the parties agree as follows:

1. The Applicant shall operate a bona fide restaurant on its premises, and consistent therewith shall keep its kitchen open until two (2) hours before closing as provided at 23 DCMR § 200.7(a).
2. The restaurant will have a maximum capacity, as established by its Certificate of Occupancy, of 85 persons, including standing room for not more than 11 persons. It shall have seating for 64 persons at 16 tables.
3. The bar will have a maximum of 10 seats.
4. The hours of operation will be until 2:00 a.m. Sunday through Thursday, and until 3:00 a.m. Friday and Saturday.
5. The Applicant shall provide two-hour validated patron parking at the nearest available commercial lot.
6. The Applicant shall present no form of entertainment other than recorded contemporary music.
7. The Applicant will not install a dance floor.

8. The Applicant will erect no exterior signs or awnings, or interior signs, including neon, visible from the exterior, without prior Old Georgetown Board, U.S. Commission of Fine Arts, Historic Preservation Review Board, and D.C. Department of Consumer Regulatory Affairs approval.
 - A. The Applicant agrees to keep from the windows of the premises all promotional signs, banners, inflatable devices, and other such items, other than those specifically tied to a seasonal sale or celebration; these seasonal items shall be on display for no more than 30 days.
 - B. The Applicant agrees that external seasonal decorations (such as holiday lights in the Christmas/Kwanza/Hanukkah tradition) shall be utilized for no more than eight weeks.
9. A professional, licensed management team conversant with all aspects of this Agreement, and applicable ABC regulations, will be on the premises during all hours of operation.
10. Any and all contemplated changes to Applicant's operation, as set forth herein, will be brought to the attention of the ANC prior to implementation and will be implemented only after ABC Board approval, if such approval may be required.
11. The Applicant agrees that, out or regard for the health of employees, patrons, and the citizens of the community, all applicable regulations regarding waste, sanitation, litter, and vector control shall specifically be in compliance.
12. The Applicant agrees that no use of public space shall be initiated without specific application to the ANC and approval by the Public Space Committee of the Department of Public Works; any subsequent use of public space shall be strictly in conformity with DPW standards.
13. In consideration of, and in reliance upon, the commitments reflected in paragraphs 1 through 12 above, the ANC will communicate to the ABC Board its support to the Applicant's pending license application.
14. The parties further agree that any failure of Applicant to adhere to the foregoing commitments will constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 DCMR §1513.5.

In witness whereof, the parties have affixed hereunto their hands and seals on the year
and day first above written.

RESTAURANT ENTERPRISES INCORPORATED

By: Robert K. Blair
Robert K. Blair
President

ADVISORY NEIGHBORHOOD COMMISSION 2E

By: John E. Pulido
Chairman

With a quorum present at a duly noticed public meeting, this Agreement was adopted by
ANC 2E on February 29, 2000.

Barbara Zetser
Secretary